

09CV3080

JUDGE PALLMEYER

MAGISTRATE JUDGE COX

BR

EXHIBIT A

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
WILL COUNTY, ILLINOIS

LLOYD S. MORGAN,
Plaintiff,

vs.

DAVID L. BERGGRON and
GRAY TRANSPORTATION, INC.
Defendants.

Case No.

COMPLAINT AT LAW

NOW COMES the Plaintiff, LLOYD S. MORGAN, by and through his attorney, LAW OFFICES OF BART DURHAM & ASSOCIATES, and, complaining of the Defendants, DAVID L. BERGGRON and GRAY TRANSPORTATION, INC., alleges as follows:

1. On or about December 14, 2007, Plaintiff, LLOYD S. MORGAN, was the owner and operator of a 2007 Pontiac G6 motor vehicle which was stopped in traffic heading in a westbound direction on Boughton Road, at or near the intersection with Weber Road, in the City of Bolingbrook, County of Will, and State of Illinois.
2. That on the aforementioned date, the Defendant, DAVID L. BERGGRON, was operating within the scope of his employment with Defendant, GRAY TRANSPORTATION, INC. was the operator of a 2001 Volvo Tractor, which was traveling in a westbound direction on Boughton Road, Directly behind the Plaintiff's vehicle at or near the intersection with Weber Road, in the City of Bolingbrook, County of Will, and State of Illinois.

Initial case management set for

8-17-09 at: 9 am

3. That at the aforementioned date and time the motor vehicle owned by the Defendant, GRAY TRANSPORTATION, INC. and driven by the Defendant, DAVID L. BERGGRON, violently struck the rear of the motor vehicle driven by the Plaintiff, LLOYD S. MORGAN.

4. That then and there it became and was the duty of the Defendants, DAVID L. BERGGRON and GRAY TRANSPORTATION, INC., to exercise due care and caution for the safety of Plaintiff and others lawfully using the public streets and highways of Illinois.

5. That at the aforesaid date and time the Defendants, DAVID L. BERGGRON and GRAY TRANSPORTATION, INC., were then and there guilty of one or more of the following careless and negligent acts and/or omissions:

- (a) Failed to keep a proper lookout so as to be able to stop, slow, or alter the course of said vehicle and thereby avoid a collision with the motor vehicle operated by the Plaintiff, LLOYD S. MORGAN.
- (b) Failed to keep said vehicle under proper control;
- (c) Operated said vehicle without brakes in sufficient working order to adequately control its movements;
- (d) Drove the vehicle at a speed that was greater than reasonable and proper with regard to the traffic conditions in violation of 625 ILCS 5/11-601(a);
- (e) Otherwise operated said vehicle in a careless and negligent manner.

6. That the aforesaid wrongful acts and/or omissions of the Defendants, DAVID L. BERGGRON and GRAY TRANSPORTATION, INC., were a proximate cause of said collision and Plaintiff's injuries as hereafter mentioned.

7. As a direct and proximate cause of one or more of the aforementioned wrongful acts and/or omissions of the Defendants,

DAVID L. BERGGRON and GRAY TRANSPORTATION, INC., the Plaintiff, LLOYD S. MORGAN, then and there sustained severe and permanent injuries and was and will be hindered from attending to his usual affairs of life, and has lost and will lose, the value of said time as aforementioned. Further, Plaintiff suffered great pain and anguish both in mind and body, and will in the future, continue to suffer. Plaintiff further expended and became liable for, and will expend and become liable for, large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

8. That common issues of facts exist as to the injuries and damages sustained and damages sustained by the Plaintiff in the two aforementioned accidents.

WHEREFORE, the Plaintiff, LLOYD S. MORGAN, prays for judgment against the Defendants, DAVID L. BERGGRON and GRAY TRANSPORTATION, INC., in an amount in excess of Fifty Thousand Dollars (\$50,000) plus costs of suit.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'Bart Durham', written over a horizontal line.

Bart Durham, Attorney for Plaintiff

Bart Durham
LAW OFFICES OF BART DURHAM & ASSOCIATES
400 N. Schmidt Road, Suite 200
Bolingbrook, Illinois 60440
Phone: (630) 226-1233
Fax: (630) 226-1164
ARDC No. 6197396